



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
ATTORNEY GENERAL

JUNE DUFFY  
BUREAU CHIEF FOR LITIGATION

February 20, 2008

**MEMO ENDORSED**

**BY MAIL**

Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**USDS SDNY  
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Re: Rockland Vending Corp. v. Green, 07 CV 6268 (KMK)(MDF)

Dear Judge Karas:

The parties have essentially completed their initial discovery in regard to the defense of qualified immunity,<sup>1</sup> and we write, on behalf of all parties and pursuant to Judge Mark Fox's directions, to arrange a briefing schedule for defendants' motion for summary judgment on issues relating to qualified immunity and the contractual forum selection clause.

The parties have conferred, and respectfully propose the following schedule:

Defendants' opening papers to be served on April 10, 2008;

Plaintiffs' opposition papers to be served on May 1, 2008;

Defendants' reply papers to be served and motion submitted on May 15, 2008.

Judge Fox had indicated in a prior conference that he discussed this case with Your Honor and that an Individual Rule 2.A pre-motion conference would not be necessary. However, we are prepared to proceed in whatever manner the Court should direct.

*The motion schedule is approved. No need  
for a pre-motion conference.*

**SO ORDERED**

cc.

Honorable Mark D. Fox  
Michael Sussman, Esq.

**KENNETH M. KARAS U.S.D.J.**

Respectfully,

  
Daniel Schulze  
Assistant Attorney General  
(212) 416-6557

<sup>1</sup>Deposition transcripts are being prepared, and defendants await production of two documents from plaintiff. The reporter stated that transcripts will be ready by March 3, 2008.